IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.45230-M of 2006

DATE OF DECISION: OCTOBER 10, 2006

Onkar and others

...PETITIONERS

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Arun Bakshi, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.Shailender Sharma, Advocate,
for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in case FIR No.63 dated 11.6.2006 registered under Sections 323/324/427/148/149 IPC (Section 326 IPC added later on) at Police Station , have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

This order be read in continuation of the earlier order dated August 7, 2006 passed by this Court.

Counsel for the petitioners contends that in terms of the aforesaid interim order, the petitioners have joined the investigation. This fact has not been disputed by the State counsel. Even the alleged weapon has been recovered. As per the police record, petitioner No.2-Balbir Kumar has also received four injuries in the alleged occurrence, out of which, two are from sharp edged weapon. The only grievous injury falling under Section 326 IPC has been attributed to petitioner No.3.

Keeping in view these factors, the interim order dated August 7, 2006, is made absolute on the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter, the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 10, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE